

R E M A R K S

Claims 2, 10, 15, and 23 have been canceled. Claims 1, 3-9, 11-14, 16-22, and 24-26 remain pending in the application. Applicants amend claims 1, 9, 14, and 22 to incorporate features of canceled claims 2, 10, 15, and 23. Applicants also amend claims 3, 11-12, 16-20, and 24-25 to maintain proper dependencies of these claims. No new matter has been added.

Applicants submitted a claim for foreign priority under 35 U.S.C. § 119 from Japanese Patent Application No. 2001-148197 (filed May 17, 2001), and a certified copy of the foreign priority application. The Examiner acknowledged Applicants' priority claim but has not acknowledged Applicants' filing of the certified copy of the priority document. Applicants respectfully request that the Examiner make the proper receipt acknowledgement of the certified copy of the priority document.

Applicants further request that the Examiner indicate acceptance of the drawings.

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0032271 to Allen in view of U.S. Patent Application Publication No. 2004/0042402 to Galand et al. Applicants cancel claims 2, 10, 15, and 23 and incorporate their respective features to base claims 1, 9, 14, and 22. Applicants respectfully traverse the Examiner's rejection.

The Examiner relied upon paragraphs [0026], [0027], [0038], and [0042] of Allen as alleged disclosure of the features recited in canceled claims 2, 10, 15, and 23. Applicants respectfully point out that Allen, as cited and relied upon by the Examiner, describes setting up a protection path by transferring a second path setup request message, which is separate from the working path setup request message, from a start point to an end point. Please see, e.g., paragraphs [0022] and [0038] of Allen. Furthermore, the label request message described in

Allen does not contain a protection path request. Please see paragraphs [0026] and [0027] of Allen.

As such, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Allen and Galand et al., the combination would still fail to disclose or suggest,

"(a) setting up a working path from a start-point node to an end-point node; and

(b) setting up a plurality of protection paths by taking a plurality of nodes on said working path as respective start points at the time of setting up said working path, wherein

step (a) includes the substeps of:

transferring a working path setup request message containing therein a protection path request from a start point to an end point of said working path along a route of said working path being set up; and

setting up said working path by transferring a working path setup response message from the end point to the start point of said working path in response to said working path setup request message, and

step (b) includes the substeps of:

transferring a protection path setup request message from a start point to an end point of each of said plurality of protection paths in response to said protection path request contained in said working path setup request message; and

setting up each of said plurality of protection paths by transferring a protection path setup response message from the end point to the start point of said each protection path in response to said protection path setup request message," as recited in claim 1.

(Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 3-8 dependent therefrom, is patentable over Allen and Galand et al., separately and in combination, for at least the foregoing reasons. Claims 9, 14, and 22 include features corresponding to those of claim 1 cited above and are, therefore, together with claims 11-13, 16-21, and 24-26

dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00077 (FUJA 19.149)
DTC: